

REMARKS

Claims 1-6, 8-10, 16-20, and 22-46 are pending in the present application.

An office action was mailed on March 27, 2006 (the "Present Office Action") indicating that the reply filed on December 5, 2005 (the "Previous Response"), was deemed to not be fully responsive to the office action mailed September 2, 2005 (the "Previous Office Action"), and consequently, did not comply with 37 C.F.R. 1.111(b). The present remarks supplement the remarks and amendments submitted in the Previous Response.

As will be described in more detail below, pending claims 1-6, 8-10, 16-20, and 22-46 are in condition for allowance without relying on the 37 C.F.R. 1.131 declaration submitted with the response filed on May 26, 2005.

In summary, the Examiner's rejections of the claims set forth in the Previous Office Action are as follows:

Claims 1-6, 8-20, and 22-25 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,301,666 to Rive (the "Rive patent"). See the Previous Office Action at page 2. Note that the rejection of claim 25 under 35 U.S.C. 102(e) appears to be in error since claim 25 is not specifically addressed in the Examiner's comments regarding the anticipation rejection at pages 2-4, whereas the anticipation rejection of claims 1-6, 8-20, and 22-24 are all specifically addressed. Additionally, claim 25 was rejected under 35 U.S.C. 103(a), as indicated below. For the purposes of responding to the Previous and Present Office Actions, it will be assumed that claim 25 is rejected only under 35 U.S.C. 103(a).

Claim 33 was rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent in view of U.S. Patent Application Publication No. 20030033606 to Puente *et al.* (the "Puente application"). See the Previous Office Action at page 4.

Claims 7, 21, 25, 30, 34, 36, 37, 41, and 44-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent in view of U.S. Patent Application Publication No. 20030135350 to Cheston *et al.* (the "Cheston application"). See the Previous Office Action at page 5.

As for claims 9, 15, 23, 26-29, 31, 32, 35, 37, 39, 40, 42, and 43, it appears that these claims were also rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent in view of the Cheston application. See the Previous Office Action at pages 6-7.

Claim 38 was not specifically rejected by the Examiner, however, it will be assumed that claim 38 was also rejected under 35 U.S.C. 103(a) based on some combination of the Rive patent and one of the other cited references.

Turning to the rejection of claims 1-6, 8-20, and 22-24 under 35 U.S.C. 102(e), the rejection of claims 11-15 is moot because these claims were cancelled by amendment in the Previous Response. The rejection of claims 1 and 16 under 35 U.S.C. 102(e) should be withdrawn because these claims were amended to include the limitations of claims 7 and 21, respectively. By incorporating the limitations of claims 7 and 21, claims 1 and 16 are no longer rejected under 35 U.S.C. 102(e), but under 35 U.S.C. 103(a) as being unpatentable over the Rive patent in view of the Cheston application. The rejection of dependent claims 2-6, 8-10, 17-20, and 22-24 under 35 U.S.C. 102(e) will be addressed in more detail below.

As mentioned above, claims 7 and 21, along with independent claims 25, 34, 37, and 44, were rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent in view of the Cheston application. However, as set forth in the Previous Response, the Examiner's obviousness rejection based on the Cheston application cannot be maintained because the present application was filed earlier than the Cheston application. Consequently, the Cheston application is not prior art for the present application.

By removing the Cheston application as prior art, the rejection of claims 7, 21, 25, 34, 37, and 44 under 35 U.S.C. 103(a) cannot be maintained and must be withdrawn. As previously mentioned, however, the limitations of claims 7 and 21 were added to claims 1 and 16. As a result, claims 1, 16, 21, 25, 34, 37, and 44 are all in condition for allowance.

Claims 26-32, 35, 36, 38-43, 45, and 46 are all also in condition for allowance because these claims were also rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent in view of the Cheston patent, which as previously discussed, is not prior art.

Returning to the rejection of dependent claims 2-6, 8-10, 17-20, and 22-24 under 35 U.S.C. 102(e), these claims are also in condition for allowance because they depend from amended claims 1 and 16, which as previously discussed, are allowable because of the added limitations of claims 7 and 21, respectively. That is, each of the dependent claims further narrows the scope of the claim from which it depends, and consequently, if a claim is dependent

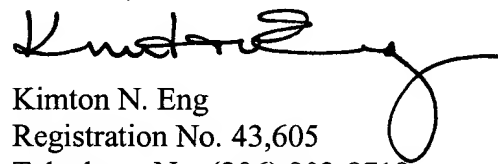
from an allowable base claim, the dependent claim is also allowable. For these reasons, the rejection of claims 2-6, 8-10, 17-20, and 22-24 under 35 U.S.C. 102(e) should be withdrawn.

Remaining claim 33, which was rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent in view of the Puente application, is also in condition for allowance based on its dependency from allowable base claim 25.

For the foregoing reasons, claims 1-6, 8-10, 16-20, and 22-46 are in condition for allowance. FAVORABLE consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

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